

Codington County Veterans Court Program

Participant Handbook



Presiding Judge
Honorable Robert Spears



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History

In 2013, out of respect and concern for our veterans, the Chief Justice of the South Dakota Supreme Court, David Gilbertson, initiated the process of establishing Veterans Courts in this jurisdiction, with the Codington County Veterans Court (CCVC) being one of three pilot programs in the state. The CCVCP became the first operational Veterans Treatment Court in the State of South Dakota when it opened its doors on July 7, 2014. The Court relies on the cooperation and collaboration between the criminal justice system, Veteran's Affairs, community agencies and the offenders. The Court requires the Judge, prosecutor and defense counsel to collaboratively pursue a path that help solve the offender's issues.

CCVC operates on a regional basis in the Third Judicial Circuit and other Circuits. However, applications will require special planning and coordination with the applicant, sentencing Judge, Court Service Officers in different locations and the Veteran Court Coordinator.

Mission Statement

The mission of the Codington County Veterans Treatment Court is to enhance public safety and help veterans in the criminal justice system become law abiding, productive citizens through rigorous supervised probation that includes mental health and substance abuse treatment, while holding the participants accountable for criminal behavior.

Program Goals

- ✓ Reduce recidivism
- ✓ Facilitate participant sobriety
- ✓ Increase compliance with treatment and other court ordered conditions
- ✓ Improve access to Veterans Administration benefits and services
- ✓ Improve family relationships and social support connections
- ✓ Improve life stability

Introduction

What is Veterans Court?

The Codington County Veterans Treatment Court program is only for Veterans of the Armed Forces of the United States as defined by Federal and State Law. The Veterans Treatment Court is a court-supervised program coupled with intensive treatment.

The Veterans Treatment Court model requires regular court appearances as well as mandatory attendance at treatment sessions and frequent and random testing for substance use (drug and/or alcohol). The Veterans Treatment Court is able to ensure they meet their obligations to themselves, the court, and their community.

Program Outline

Veterans Court is a voluntary program, which includes regular appearances before the Veterans Court Judge, frequent and random drug testing, substance abuse counseling in individual and group settings, mental health counseling, educational classes, a system of behavior modification based on incentives and sanctions, and community supervision by a Veterans Court Team. Veterans Court requires participants to participate in community support groups. The Program length is determined by each participant but is no less than eighteen months. The Veterans Treatment Court program is broken into five phases. Veterans must complete 60 hours of volunteer service hours while in Veterans Court. You must complete all five phases successfully to graduate.

Eligibility Standards

- ✓ The veteran must serve or have served in the armed forces of the United States or National Guard Unit or Reserve Unit. If the veteran is no longer serving, the veteran may apply with an honorable, general or dishonorable discharge.
- ✓ The veteran must reside within the designated areas established by your Court Service Officer at all times while participating in Veteran's Treatment Court.
- ✓ The veteran must be charged with or have been convicted of a criminal offense in the State Court, and that case must form the basis of the veteran's participation in Veteran's Treatment Court.
- ✓ The Veteran must have a treatable mental health or behavioral disorder, such as (but not limited to) post-traumatic stress disorder, traumatic brain injury, and/or substance abuse or dependency.
- ✓ The States Attorney must consent to the veteran entering the Veterans Treatment Court.
- ✓ After a screening process, the Veterans Treatment Court Team must approve the admission of the veteran to Veterans Treatment Court.
- ✓ The veteran must pose no risk or danger due to uncontrollable behavioral problems.
- ✓ Eligibility for Veteran's Administration benefits is not a prerequisite for an individual to be admitted to Veterans Treatment Court.

Expectations

The CCVC team will develop treatment recommendations based on an assessment of your needs for treatment, services, resources, housing, case management, VA benefits & services and other needs. To participate in the Court, you will agree to sign all necessary releases, comply with treatment recommendations, and comply with all terms and conditions of probation or pre-trial release. You must agree to sign paperwork associated with the Treatment Court to ensure your understanding of the program.

Veterans Court Proceedings

The Veterans Court is a specialized court operating on a bi-weekly basis dedicated to the assessment and supervision of participants. The Veterans Court Team will meet prior to court. Veterans Court is open for your family members or other members of your support network to attend. Children may attend court when appropriate.

You are expected to maintain appropriate behavior at all times during court sessions and while in the courthouse. The Judge and Team members shall be addressed with respect. Unless prior approval is given, you will remain for the entire Veterans Court proceedings. Your behavior and demeanor while in the courthouse is a reflection on the entire Program.

Confidentiality

Veterans Court is open to the public, but Veteran Courts Team meetings are **not**. Special permission to attend Team meetings must have prior approval through the coordinator. It is important to protect the privacy interest of everyone involved in Veterans Court.

Participant's Rights

All participants have the right to a dignified and reliable delivery of service. Participation in the Veterans Treatment Court program is voluntary. Participants will be informed of any changes in the program, rules or policies. You also understand that admission, participation, and possible termination from the Veterans Treatment Court Program are entirely within the discretion of the Veterans Treatment Court Team.

Equal Treatment and services will be delivered without regard to race, color, sex, sexual orientation, religion, national origin, ancestry or physical disability.

The purpose of this is to help you; get the treatment you have rightfully earned and deserved, help you get treatment quickly and without barriers, stay engaged in treatment and help you regain control of your life; so, you can enjoy the quality of life and become a productive citizen.

Drug Testing

A critical component of successful Veterans Court participation involves supervision and random drug testing to determine compliance with the rules of the Veterans Court Program. The frequency of the tests will be determined by the phase you are in and is subject to change based on violations and the recommendation of the Veterans Court Team.

Phases of Veterans Court

The CCVC consists of 5 phases. Each phase is explained in detail below. You are required to submit a written application to the Veterans Court Team in order to advance to the next phase or graduate. Program length may vary.

Phase 1- Reception

- ✓ Minimum of 8 weeks (60 days)
- ✓ Show up to court and be honest
- ✓ Comply with the initial treatment plan
- ✓ Bi-weekly Court Appearances
- ✓ Attend appointments as required with the VA and/or other service providers
- ✓ Abide by random and frequent UA's or PBT
- ✓ Verification of housing
- ✓ Unannounced home visits by CSO or law enforcement
- ✓ Maintain contact with CSO and VJO
- ✓ Remain a law-abiding citizen
- ✓ Attend scheduled visits with your CSO at least once a week
- ✓ Minimum of 30 consecutive days of sobriety

Phase 2- Boots On The Ground

- ✓ Minimum of 12 weeks (90 days)
- ✓ Show up to court and be honest
- ✓ Bi-weekly Court Appearances
- ✓ Attend appointments as required with the VA and/or other service providers
- ✓ Maintain housing
- ✓ Develop a plan for employment, vocational schooling or community service work
- ✓ Work on a self-wellness plan
- ✓ Develop a financial plan to comply with all court ordered obligation requirements
- ✓ Abide by random and frequent UA's or PBT
- ✓ Unannounced home visits by CSO or law enforcement
- ✓ Maintain contact with CSO and VJO
- ✓ Remain a law-abiding citizen
- ✓ Attend scheduled visits with your CSO at least once a week
- ✓ Minimum of 45 consecutive days of sobriety

Phase 3- Mission Ready

- ✓ Minimum of 16 weeks (120 days)
- ✓ Bi-weekly Court Appearances
- ✓ Attend appointments as required with the VA and/or other service providers
- ✓ Maintain stable verified housing
- ✓ Maintain a plan for employment, vocational schooling or community service work
- ✓ Continue with self-wellness plan
- ✓ Be current on financial plan to comply with all court ordered obligation requirements
- ✓ Abide by random and frequent UA's or PBT
- ✓ Unannounced home visits by CSO or law enforcement
- ✓ Maintain contact with CSO and VJO
- ✓ Remain a law-abiding citizen
- ✓ Attend scheduled visits with your CSO at least once a week
- ✓ Minimum of 45 consecutive days of sobriety

Phase 4- Return to Base

- ✓ Minimum of 12 weeks (90 days)
- ✓ Monthly Court Appearances
- ✓ Attend appointments as required with the VA and/or other service providers
- ✓ Maintain stable verified housing
- ✓ Maintain a plan for employment, vocational schooling or community service work
- ✓ Continue with self-wellness plan
- ✓ Be current on financial plan to comply with all court ordered obligation requirements
- ✓ Develop a Recovery Plan
- ✓ Abide by random and frequent UA's or PBT
- ✓ Unannounced home visits by CSO or law enforcement
- ✓ Maintain contact with CSO and VJO
- ✓ Remain a law-abiding citizen
- ✓ Attend scheduled visits with your CSO at least once a week
- ✓ Minimum of 45 consecutive days of sobriety

Phase 5- Mission Accomplished

- ✓ Minimum of 12 weeks (90 days) and/or up to 6 months
- ✓ Monthly Court Appearances
- ✓ Attend appointments as required with the VA and/or other service providers
- ✓ Maintain housing
- ✓ Maintain employment, vocational schooling or community service work
- ✓ Maintain self-wellness plan
- ✓ Comply with treatment
- ✓ Abide by random and frequent UA's or PBT
- ✓ Look into being part of the Veteran Court Mentor program
- ✓ Unannounced home visits by CSO or law enforcement
- ✓ Attend scheduled visits with your CSO at least once a week
- ✓ Maintain contact with CSO and VJO
- ✓ Remain a law-abiding citizen
- ✓ Completion of 60 hours of volunteer service hours
- ✓ Minimum of 180 consecutive days of sobriety

Graduation

Graduation Requirements

- ✓ Complete Phase 5
- ✓ Pay all fees on current file
- ✓ 180 days of continuous sobriety
- ✓ 60 hours of volunteer service hours
- ✓ Maintain acceptable housing
- ✓ Maintain employment or another approved plan

Upon successfully completion of all five (5) phases, upon meeting graduations requirements and upon recommendation of the Veterans Court Team, you will graduate from Veterans Court.

Graduation from Veterans Court is recognized as a very important event. Your loved ones and friends will be invited to join you at a special ceremony as the Veterans Court Team congratulates you for successfully completing all phases of the Program and achieving all the goals to establish a chemical-free life.

Incentives

While participating in the Veterans Court Program, you may be given incentives to reinforce positive behaviors. An incentive, or reward, is an acknowledgement by the Veterans Court Team that you have reached a milestone, accomplished a specific goal, or otherwise exhibited positive behavior or change.

Expected behaviors and incentives can include but are not limited to the following:

Expected behavior	Incentive
Honesty	Applause
Accomplishing goal	Acknowledgement from the court
Positive attitude	Gift card to local restaurant
Adjusting well to Program	Gas card
Securing a sponsor	Movie pass
Avoiding temptation to relapse	Progression in the Program/medal

Violations and Sanctions

While participating in the Veterans Court Program, you will be given sanctions for any violations. A violation is a behavior or action that conflicts with the Program rules, policies or recommendations. A sanction is a response to a violation. The seriousness of the violation determines the severity of the sanction imposed. The objective of sanctions is to encourage you to continue to work towards recovery and treatment goals.

Any violations of the Veterans Court Program rules, policies, or recommendations will result in the **immediate** imposition of sanctions, as determined by the Judge or Veterans Court Team. The Team will individualize sanctions as deemed appropriate.

Inappropriate behaviors and sanctions can include but are not limited to the following

Inappropriate Behavior	Possible Sanction
✓ Dishonesty	✓ Verbal reprimand
✓ Failure to attend AA meetings	✓ Written letter
✓ Breaking curfew requirements if curfew is imposed	✓ Incarceration
✓ Reporting late to PBT or UA	✓ Loss of sober days
✓ Testing positive on PBT or UA	✓ House arrest
	✓ No phase progression

Termination

The following events will trigger a discussion by the VTC team to consider termination of the veteran from VTC without a successful disposition, and referral of the case back to the court to which the veteran's case was assigned for further proceedings:

1. The arrest of the veteran in any jurisdiction on a new criminal charge that is a class one misdemeanor or more serious while the veteran participates in VTC.
2. Ongoing failure to comply with treatment or counseling recommendations.
3. Any attempt, whether or not successful, to tamper with a drug or alcohol test.
4. Any unexcused failure to appear in court.
5. Noncompliance with any court-ordered conditions intended to ensure public safety with which the veteran has been ordered to comply.
6. Any serious behavior detrimental to progress in VTC that cannot be corrected by counseling, treatment, or less serious sanctions.

The presiding judge will make the final decision regarding whether the veteran will be terminated from the VTC, after giving due consideration to the input of the other team members.

Process for Termination

1. Any member of the Veterans Court Team makes a motion for termination
2. Court Services Officer will provide you with a written notification of the motion
3. You will be given the opportunity to choose whether or not you would like to have a lawyer represent you at the termination hearing.
4. You will address the Veterans Court Team concerning the possibility of termination at the next regularly scheduled Court session.
5. After the Court session, the Veterans Court Team will vote on termination.
6. In you are terminated, the Court shall advise you of your rights concerning potential probation revocation and appoint you an attorney.
7. You are required to participate in a termination interview and may be subject to a probation revocation proceeding.

Voluntary Removal

You may request removal from the Veterans Court Program; however, you are advised to meet with your defense attorney before making this request. If you have been deemed an absconder from court services supervision while in the Veterans Court Program, you will be considered to have voluntarily removed yourself.

Fees

Court Related Fees

You are required to keep up with your payments for court related fees. Court related fees can include but are not limited to the following:

- ✓ Child support
- ✓ Restitution
- ✓ Public Defender fees

You will be responsible to set up a payment plan with the Court Service Officer to present to the Team for approval.

Program Related Fees

You may be required to pay for testing, monitoring, and treatment while in the Program. Failure to make timely payments could result in delayed completion of the Program. The fees can include but are not limited to the following:

- ✓ UA's
- ✓ 24/7 Program
- ✓ SCRAM
- ✓ Interlock
- ✓ Treatment
- ✓ Court fines

Conclusion

We hope this handbook has been helpful to you and answered most of your questions. If you have any additional questions or concerns, please feel free to contact your Veterans Treatment Court CSO or any member of the Veterans Treatment Court Team Members.

Good luck to you and thank you for your service to our country!

Appendix of Definitions

- ✓ **Show up to court and be honest:** the veteran will be required to attend court appearances and be truthful with court services and other Veterans Treatment Court personnel about his or her case, treatment, compliance, and conduct.
- ✓ **Bi-weekly Court Appearances:** The veteran will be required to attend court as required by the VTC judge, but at a minimum, every other week.
- ✓ **Weekly contact with probation:** The veteran will be required to meet with their CSO at least once a week.
- ✓ **Urinalysis drug tests (UAs):** The UA's will be administered by an agency designated by the VTC on a random and frequent basis.
- ✓ **Connect with Mentor:** At the first available opportunity, the veteran will be assigned a mentor by the Veterans Treatment Court Mentor Coordinator, and the veteran will be responsible for contacting and meeting with the mentor. The veterans contact with the mentor, and the mentor's services, will be governed by the Veterans Treatment Court Mentor Handbook.
- ✓ **Connect with Veterans Justice Outreach Coordinator (VJO) as ordered:** The veteran will be responsible for contacting and meeting with the VJO as directed by the Veterans Treatment Court and cooperating with the VJO in determining eligibility for benefits and assistance from the Veterans Administration.
- ✓ **Field Visits:** The veteran will comply with announced and unannounced visits from the court services officer and any other persons assisting the court services officer, or any other party authorized by the VTC to conduct field visits. The field visits may be at the veteran's home, place of employment, or any other place where the veteran may be found. The party conducting the visit will exercise reasonable discretion when conducting the visit so as to not be unduly disruptive to the veteran's situation.
- ✓ **Connect and participate in at least 2 community support groups:** The veteran will attend individual or group counseling sessions as deemed appropriate by the VJO and according to the Veteran's disability.
- ✓ **14 consecutive days clean at end of phase 1:** The defendant will be required to test cleanly in both the 24/7 program and in all UA's for at least fourteen consecutive days before completing phase 1. The veteran cannot complete phase 1 unless the veteran is currently clean and has been for fourteen consecutive days at the time of completion.
- ✓ **Comply with Treatment orders:** The veteran will comply with alcohol, drug, and/or mental health treatment and counseling as recommended by the veteran's mental health and substance abuse professionals, and as directed by the VTC.

- ✓ **Implement a plan for stable housing:** The veteran will present the court with information documenting that the veteran is in the process of obtaining stable housing, and that residence in a homeless shelter, halfway house, or other temporary housing will not continue.
- ✓ **Stable employment and housing:** The veteran will be regularly and gainfully employed consistent with the veteran's abilities and medical condition, and the veteran will have stable, permanent housing.
- ✓ **Participation in pro-social activity:** The veteran will regularly participate in a drug and alcohol-free pro-social activity such as regular volunteer work, participation in an organized sports league, church or worship activities, etc., as approved by the VTC and according to the Veteran's disability.
- ✓ **Verified payments of household bills/child support every 6 months:** Upon demand, but at least every six months, the veteran will provide documentation to the VTC of financial responsibility, including regular payment of bills and (if applicable) child support.

